

**Subcommittee on Environment and the Economy**  
**Mark-up of H.R. 1391, the Recycling Coal Combustion Residuals Accessibility**  
**Act of 2011**  
**Opening Statement of Chairman Fred Upton**  
**June 21, 2011**

We began this year with a commitment to protecting and creating jobs and supporting affordable energy. The bipartisan bill before us will do both, and I commend Mr. Shimkus for holding this mark-up so that we can move ahead with a solution to the EPA's wrong-headed coal ash proposal.

Beneficial reuse of coal combustion residuals benefits the economy and jobs as well as the environment. Each truckload of these materials that is used to make concrete last longer or make dry-wall sturdier is one less truckload that needs to go in a landfill.

One year ago, the Obama EPA put a big question mark over the coal ash recycling industry when it proposed to regulate coal ash under RCRA Subtitle C, which is a classification for hazardous materials. A consensus has formed that this idea goes too far and that the states are best suited to carry out coal ash regulations.

In response to the clear need for a legislative fix, we engaged members and worked hard to develop a compromise bill, which finds an elegant solution that ensures coal ash will be handled responsibly, with states maintaining the primary role as they do with municipal solid waste.

I commend Mr. Shimkus and all the stakeholders, especially the state officials who guided us in crafting this sensible compromise. My own state of Michigan takes pride in its rigorous but fair enforcement in these areas, so we were sure to make clear—in this case—that states may make their coal ash regulatory program even more stringent than federal standards. Michigan officials tell me that this provision is important to them, and I am glad that they are pleased with it and with the whole bill.

Finally, I want to recognize the author of this legislation, Mr. McKinley. He came to Congress as a champion for his constituents and the industry that employs so many of them, and I commend him for his leadership in finding a common-sense solution that protects jobs, our environment, and energy affordability.